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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,888	04/08/2004	Philip Shi-Lung Yu	YOR920040112US1	8874
55459	7590	09/16/2008		
GEORGE A. WILLINGHAN, III AUGUST LAW GROUP, LLC P.O. BOX 19080 BALTIMORE, MD 21284-9080			EXAMINER BETT, JACOB F	
			ART UNIT 2169	PAPER NUMBER
			MAIL DATE 09/16/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/820,888	<b>Applicant(s)</b> YU, PHILIP SHI-LUNG	
	<b>Examiner</b> Jacob F. Bétit	<b>Art Unit</b> 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 June 2008 has been entered.

### ***Remarks***

2. In response to communications filed on 23 June 2008, claims 1, 3, 9, and 10 have been amended per the applicant's request. Claims 1-5, 7-12, 14-17 are presently pending in the application.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-5, 7-12, 14-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 9, and 15 recite "assigning a rate of decay to each time-based weight" or "an aging factor assigned to the time-based weight". It appears from the specification and from the claim that a "rate of decay" or "an aging factor" could be a part of the "time-based weight". It is

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not clear how a “rate of decay” or “an aging factor” could be assigned to a "time-based weight" since it would be a part of it. For the purpose of examination it is assumed that the applicant meant --wherein the time-based weight includes a rate of decay-- or the like. If the applicant meant something else or feels that a rate of decay is not part of a time based weight, the applicant is invited to clarify in response to this office action.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7-12, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al. (U.S. patent application publication No. 2003/0135490 A1) in view of Acharya et al. (U.S. patent application publication No. 2005/0071741 A1).

As to claim 1, Barrett et al. teaches a method for searching data comprising:

generating a temporally ranked set of search results in response to a query (see abstract),  
the step of generating a temporally the temporally ranked set of search results comprising:

generating an initial set of search results (see paragraph 0010); and

identifying a first portion of the initial search results having creation dates after a pre-determined threshold date; identifying a second portion of the initial search results having creation dates before the pre-determined threshold date (see paragraph 0049);

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associating a time-based weight [with the search result]; assigning a rate of decay to each time-based weight (i.e., the time based weight includes a rate of decay); and ranking the second portion of the initial set of search results using the time-based weights and assigned aging factors associated with each search result to generate the temporally ranked set of search results (see paragraph 0013).

Barrett et al. does not distinctly disclose identifying in-links associated with each search result in the second portion of the search results; and associating a time-based weight with each identified in-link using at least one of a creation time and a publication date for an in-linking source containing the in link; and assigning a rate of decay to each time-based weight (i.e. the time based weight of the in links including a rate of decay).

However, Acharya et al. teaches this, see paragraph 0073-0078. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Barrett et al. to include the teachings of Acharya et al. because these teachings would allow spam sites to be detected during the ranking process and would rank documents that have in links that are stale lower than documents that have fresh in links.

As to claim 2, Barrett et al. as modified, teaches wherein the step of generating the initial set of search results comprises using reputation based factors or content based factors (see Barrett et al., paragraph 0010).

As to claim 3, Barrett et al. as modified, wherein the rate of decay comprises an exponential decay rate (see Acharya et al., paragraphs 0041-0043).

As to claim 4, Barrett et al. as modified, wherein the step of assigning the aging factor further comprises using in-links from in-linking sources associated with a newer group of the identified in-links associated with the second portion of the search results to in-linking sources associated with an older group of the identified links associated with the second portion of the search results to determine the aging factor (see Acharya et al., paragraphs 0043-0044).

As to claim 5, Barrett et al. as modified, teaches further comprising obtaining the time and date information about each in-linking source from meta content associated with that in-linking source (see Acharya et al., paragraphs 0034-0039).

As to claim 7, Barrett et al. as modified, teaches further comprising ranking the first portion of the initial search results based on a reputation associated with authors of each result, a reputation associated with a repository where each result is located or a combination of author and repository reputation (see Barrett et al., paragraphs 0036-0037).

As to claim 8, Barrett et al. as modified, teaches further comprising ranking the initial set of search results based upon the reputation or content of each result (see Barrett et al., paragraphs 0036-0037).

As to claim 9, Barrett et al. teaches a computer readable medium containing a computer executable code that when read by a computer causes the computer to perform a method for

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searching data comprising generating a temporally ranked set of search results of network-based data in response to a query (see paragraph 0001), said step of generating a temporally ranked set of search results comprising:

generating an initial set of search results (see paragraph 0010);

identifying a first portion of the initial search results having creation dates after a pre-determined threshold date; identifying a second portion of the initial search results having creation dates before the pre-determined threshold date (see paragraph 0049); and

associating a time-based weight [with the search result]; assigning a rate of decay to each time-based weight (i.e., the time based weight includes a rate of decay); and ranking the second portion of the initial set of search results using the time-based weights and assigned aging factors associated with each search result to generate the temporally ranked set of search results (see paragraph 0013).

Barrett et al. does not distinctly disclose identifying in-links associated with each search result in the second portion of the search results; and associating a time-based weight with each identified in-link using at least one of a creation time and a publication date for an in-linking source containing the in link; and assigning a rate of decay to each time-based weight (i.e. the time based weight of the in links including a rate of decay).

However, Acharya et al. teaches this, see paragraph 0073-0078. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Barrett et al. to include the teachings of Acharya et al. because these teachings would allow spam sites to be detected during the ranking process and would rank documents that have in links that are stale lower than documents that have fresh in links.

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As to claim 10, see the rejection of claim 3 above.

As to claim 11, see the rejection of claim 4 above.

As to claim 12, see the rejection of claim 5 above.

As to claim 14, see the rejection of claim 7 above.

As to claim 15, Barrett et al. as modified, teaches a method comprising:

offering a service to customers that generates a temporally ranks set of search results from network-based data in response to a query, the temporally ranked set of search results utilizing a time based weight (see paragraphs 0013, 0044, and 0049); and

and modifying one or more parameters of the service in response to a customer input (see paragraph 0012).

Barrett et al. does not distinctly disclose identifying in-links associated with each in-link to each result in the set of search results to rank the search results and an aging factor assigned to that time-based weight (the time based weight includes an aging factor), the time based weight associated with each in-link based on at least one of a creation time and a publication date for the in-linking source containing the in-link (i.e. the time based weight of the in links including a rate of decay).

However, Acharya et al. teaches this, see paragraph 0073-0078. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Barrett et al. to include the teachings of Acharya et al. because these teachings would



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allow spam sites to be detected during the ranking process and would rank documents that have in links that are stale lower than documents that have fresh in links.

As to claim 16, Barrett et al. as modified, teaches wherein the parameters comprise rate of phase-out of old data, decay rate, temporal criteria, reputation ranking techniques or combinations thereof (see Barrett et al. paragraph 0013 and see Acharva et al. paragraphs 0075-0078).

As to claim 17, Barrett et al. as modified, teaches wherein further comprising modifying the parameters based upon the topic or repository being searched (see Barrett et al., paragraph 0013, “As a matter of granularity, the particular decay rate and structure may be defined by the designer based on query type or other personalized factors... if a query relates to history, one may not wish to ever ignore a use”).

### ***Response to Arguments***

7. Applicant's arguments have been fully considered but they are not persuasive.

The examiner is briefly addressing the arguments from the response dated 9 November 2007 since the art used in the current rejection is the same.

In response to the applicant's arguments that “Acharya fails to teach or disclose the use of a time based weight for each in-link based on the creation or publication date of the underlying source document containing the link in combination with an aging factor [rate of decay] for the time-based weight to rank a portion of the search results having a creation date

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before a threshold date”, the arguments have been considered, but are not deemed persuasive.

As discussed above in the rejection under 112 second paragraph, it is not clear how an aging factor is meant to be assigned to a time-based weight. It is believed that the rate of decay is a part of the time-based weight itself. See specification, particularly page 9, lines 12-29 and page 11, lines 9-13. Acharya teaches the “time-based weight” including a “rate of decay”

(“According to another implementation, the analysis may depend on weights assigned to the links. In this case each link may be weighted by a function that increases with the freshness of the link. The freshness of the link may be determined by ... date of appearance / change of the document containing the link. See paragraph 0076. “The method may include determining an age of linkage date associated with a linked document and ranking the linked document based on a decaying function of the age of the linked data.” See paragraph 0012.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Bétit whose telephone number is (571)272-4075. The examiner can normally be reached on Monday through Friday 10:30 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Tony Mahmoudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

jfb  
3 Sep 2008

/Tony Mahmoudi/  
Supervisory Patent Examiner, Art Unit 2169